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Progressive Party  
(Founded 1912)

Instructions for election  
day, Nov. 5th, 1912

[New York]

[1912]

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# National Progressive Party

Vote Under This Emblem



3082  
Box 146

## INSTRUCTIONS FOR ELECTION DAY

November 5th, 1912

With certificate of the party vote to be filled out, sworn to and returned to the State Chairman.

### New York State Committee

Telephone  
10,000 Madison Square

16 East 28th Street  
New York City

WM. H. HOTCHKISS  
Chairman

G. R. MANCHESTER  
Secretary

Dis. 4 1025  
1025

## General Election Day Instructions

1. Two Progressive watchers must be at the polls, within the guard rail from 5:45 A.M. on Election Day until the count is completed and announced, the ballot boxes locked and the returns signed by the election officials.

2. Oscar S. Straus, John Palmieri, Homer D. Call, O. M. Le-land, and George W. Kirchwey, Progressive candidates for State offices have been endorsed by the Independence League. It is essential that the vote cast for these candidates in the Progressive party column should be counted separately from the votes cast for them in the Independence League party column. The official tally sheets which are kept by the poll clerks will have a separate column for each ticket. Be careful that the poll clerks in counting split ballots for the Progressive nominees who have been endorsed by the Independence League, tally the votes cast for those candidates in the Progressive column on split ballots in the Progressive column on the tally sheet.

3. Two Progressive watchers or challengers in every Election District must fill out in ink, sign, and make affidavit to the **number of votes for state officers cast respectively under the National Progressive Party emblem and under the Independence League emblem**, upon the blanks printed on the last page in this book, and turn it in to the County Chairman. The failure to do this in **every Election District** may lose us our place on next year's ballot **and the right as a party for the next two years to name the election officers throughout the state.**

4. Captains and committeemen must explain by sample ballots that there are this year two ballots, a national Presidential ballot with the Roosevelt and Johnson electors on it and a state and local ballot headed by Oscar S. Straus, on **each of which** the voter must make his cross. There is a third ballot for constitutional amendments.

5. Watchers must secure two sample electoral and state ballots from the election inspectors and write into the voting space before each name the total vote each officer received (including his split votes). The two watchers should write on the bottom of the returns so made up, "I certify the vote to correspond with the tally sheets signed by the Election Board," sign their names and deliver to the

election district captain or town or assembly district chairman. These certified returns goes to the County Chairman who transmits one of them to the State Chairman.

#### THE RIGHTS OF WATCHERS

Two for each party or independent body who must be qualified electors of the county.—Section 352.

1. To examine the ballot boxes and see that they are empty and locked before the polls open. (Section 350.)

Attention is directed to the fact that this year, for the first time, there is a separate ballot box for Presidential ballots.

2. To remain inside the guard rail from 5:45 A.M. until after the certification of the count and the delivery of papers to police officer. (Section 352.)

3. To state "I challenge that vote," if any person attempts to vote who is believed to be not entitled to vote. The challenge may be made at any time before the ballot is deposited. (Sections 355, 361.)

4. To compare the signature of the prospective voter made on Election Day with that made on Registration Day. (Sections 352-355.)

5. To require the prospective voter to answer the questions on the challenge affidavit. (Sections 362-363.)

6. To cause the voter's arrest after voting should the inspectors accept an apparently fraudulent vote after oath.

7. To institute criminal suit under the penal law against any election official knowingly and wilfully, that is, with opportunity of knowledge, accepting an illegal vote. If it comes to this, telephone to headquarters for a lawyer and make affidavit of the material facts under his direction.

8. To inspect any ballot during the count.

9. To protest a ballot as "void," in which case it is **not counted**, or as "marked for identification," in which case it is **counted**.

#### THE RIGHTS OF CHALLENGERS

A reasonable number to each party, or independent body, who must be qualified electors of the county.—Section 352.

Their rights are the same as watchers, save that they have no right inside the guard rail. They have a right to an unobstructed view of what is done within the rail. (Section 352.)

#### THE RIGHTS OF CANDIDATES

To go inside the guard rail after 5 P.M.

#### THE RIGHTS OF VOTERS

1. To challenge any vote, verbally at the time of voting or by written notice to any inspector previous to the advent of the voter. (Section 361.)

2. To swear in his own vote. (Section 363.)

3. To secure a mandamus, if his vote is not accepted after he has taken the statutory oath.

4. To vote if he is inside the polling place door when the polls are declared closed, and has already received his ballot from ballot clerk.

#### ELECTION DAY HOURS.

Election officers must be at polling place at 5:30 A. M. (Election Law, Sec. 350, 291.) At 6 A. M. an Inspector must announce that the Polls are open, at 5 P. M. that they are closed. (Election Law, Section 350.) Only voters to whom ballots have been delivered prior to five o'clock are entitled to vote after five o'clock. (Sec. 291.)

Before an official ballot is given to the voter the Inspector previously chosen by lot must compare and identify his signature in the poll-book and certify the identification by writing his initials in the proper column.

The comparison of the signatures made on registration and election day, or as the case may be, comparison of the answers in the identification statements shall be had in full view of the watchers, and the right to challenge shall exist until the ballot shall have been deposited. (Secs. 355, 361.)

If the signatures or the answers do not correspond, it is the DUTY OF EACH INSPECTOR TO CHALLENGE unless some authorized person shall do so. (Sec. 355.)

Should any person alleging inability to sign use a memorandum in answering these questions such person should be challenged. The *full challenge* should be used, and upon the examination full answers should be required as to when, where and from whom the man got his memorandum, and when, where and by whom all the marks upon it were made, what was said to the attempting voter at the time, and how the maker of the memorandum got the information necessary. Also, whether the attempting voter can or cannot write his name.

In case of any material difference or conflict between the answers given by the applicant, or if the applicant shall refuse to answer any question put to him, or refuse to make the required oath, his vote shall not be received and the facts must be reported in the challenge record, and the same rule should be applied in case of any material difference in the signatures. (Secs. 355, 361.)

*Any Inspector or election officer who omits, refuses or neglects to perform any act required of him by the election law, or who aids in any illegal voting, or who knowingly and wilfully, that is, with opportunity of knowledge, suffers any person to vote who is not entitled to vote, is guilty of a crime and is punishable under the Penal Law. Also Election Law, Sec. 310.*

#### MANNER OF VOTING.

1. Voter must give his name and address to Inspectors. (Sec. 356.)
2. Inspectors in charge must repeat name and address in a loud voice. All Inspectors must see if name is registered. (Sec. 356.)
3. The Poll Clerks must enter his name, etc., in their poll books, and the voter must sign his name in the signature poll book, or if he alleges his inability to sign must answer the questions of the identification statement, and the answers must be written out by the Poll Clerk. (Sec. 355.)
4. If Inspectors find that the person before them is entitled to vote and is not challenged, or if a challenge is decided in his favor, and the Inspector has certified his *signature*, the Ballot Clerks must deliver to him an official ballot, folded. (Secs. 355-356.) On delivery of the ballot to a voter, the Ballot Clerks must announce the voter's name and the stub number of his ballot. (Sec. 354.)
5. The voter then goes into an empty voting booth. HE MUST NOT BE ALLOWED TO REMAIN IN THE BOOTH MORE THAN FIVE MINUTES IF ALL THE BOOTHS ARE OCCUPIED AND VOTERS ARE WAITING TO USE THEM. (Sec. 358.)
6. When the voter has prepared his ballot and is ready to vote the Inspector in charge of the ballot box announces the voter's name and the ballot number (Sec. 359), and the Poll Clerks report whether the ballot number corresponds with the number entered in their books as that of the last ballot delivered to him. (Sec. 355.)
7. If the person is entitled to vote and is not challenged, or if challenge is decided in his favor, and if his ballot is properly

folded, and has no mark (other than the printing) or tear on the outside, and if the number on it is the same as that entered on the poll books as the number of the last ballot delivered to him, his ballot must be received. (Sec. 359.)

8. The Inspector then, in plain view of the voter, removes the stub without exposing the face of the ballot, and deposits the ballot in the box for voted ballots and the stub in the box for detached ballot stubs. (Sec. 359.) The Inspectors must check the voter's name on the registers and enter in the proper column the ballot number voted by him, and the Poll Clerks must enter said ballot number in the poll books in the column headed "Number of ballots voted." (Election Law, Secs. 353-355.)

NO OFFICIAL BALLOT FOLDED SHALL BE UNFOLDED OUTSIDE THE VOTING BOOTH. (Sec. 359.)

NO VOTER SHALL GO OUTSIDE OF THE GUARDRAIL UNTIL HE HAS RETURNED ALL OFFICIAL BALLOTS RECEIVED BY HIM. (Sec. 359.) To violate this provision is a misdemeanor.

If, after receiving an official ballot, a person shall go outside of the guard-rail before his ballot is deposited in the ballot box, he cannot come back again for the purpose of voting or to receive any more ballots. (Sec. 359.)

#### SPOILED BALLOTS.

If the voter defaces or tears a ballot or wrongly marks it, he may return the ballot or set of ballots to the Ballot Clerk and obtain another; but he is not entitled in all to more than THREE sets of ballots. After the third set is given to him he can have no more. (Secs. 354, 358.)

#### ILLITERATE AND DISABLED VOTERS.

1. *Where voter announced disability or illiteracy at time of registration.*

Any voter who, AT THE TIME OF HIS REGISTRATION made oath to physical disability or illiteracy, may choose two of the election officers, both of whom shall not be of the same political party, to enter the voting booth with him and assist him in preparing his ballots. (Sec. 357.)

2. *Where the voter did not announce disability at time of registration.*

Any registered voter who states *under oath* to the Inspectors that by reason of some accident, the time and place of which he must specify, or of some disease, the nature of which he must specify, he has SINCE THE DAY ON WHICH HE REGISTERED lost the use of both hands, or become totally blind, or afflicted by such degree of blindness as will prevent him, even with the aid of glasses, from seeing the names printed on the official ballot, or become so crippled that he cannot enter the voting booth and prepare his ballot without assistance, may likewise choose two of the election officers, both of whom must not be of the same political party, to enter the voting booth with him and assist him in preparing his ballot. (Sec. 357.)

*NOTE.—Except as above, no person can have assistance on Election Day on the ground of illiteracy unless he announced the necessity therefor at the time of registration, and took the oath prescribed by law.* (Sec. 357.)

The mere fact that a voter was unable to sign his name and was, consequently, compelled to answer the additional questions contained in the book of identification statements at the time of his registration, does not entitle him to assistance on Election Day, unless, in addition, he took the oath prescribed by Sec. 164.

#### 3. *Inspectors assisting not to influence voter.*

The election officers so assisting a voter must not in any way attempt to influence him as to his vote, and must not keep any memorandum of anything occurring within the booth, and must not in any way reveal to anybody the name of any candidate for whom, or the ticket which, the voter has voted. (Sec. 357.)

#### 4. *Poll Clerks to make entry.*

The Poll Clerks must make a note in the poll books, opposite the name of every person who receives assistance, entering also the names of the election officers who rendered the assistance, and the reason assigned therefor. (Sec. 355.)

### CHALLENGES.

Any person wishing to vote may be challenged—(1) When he applies to the Ballot Clerk for official ballots; (2) when he offers his ballot to an Inspector to be voted; (3) or previously by notice to that effect to an Inspector by any elector, or by the State Superintendent of Elections. (Sec. 361.) The right of challenge exists until the ballot is deposited in the box. (Sec. 355.)

A person may be challenged by any voter or by any duly appointed watcher or challenger. (Sec. 361.)

*Duty of Inspectors. It is the duty of each Inspector to challenge:*

(1) EVERY PRSON OFFERING TO VOTE WHOM HE KNOWS OR SUSPECTS NOT TO BE DULY QUALIFIED AS A VOTER.

(2) EVERY PERSON WHO WAS CHALLENGED AT THE TIME OF HIS REGISTRATION, PROVIDED SUCH CHALLENGE HAS NOT PREVIOUSLY BEEN WITHDRAWN. (Sec. 361.)

(3) A CHALLENGE MADE BY ANY ELECTOR OR DULY APPOINTED WATCHER OR CHALLENGER MUST BE ACTED UPON BY THE BOARD OF INSPECTORS. (Sec. 362.)

(4) EVERY PERSON WHOSE SIGNATURE ON ELECTION DAY DOES NOT CORRESPOND TO THE SIGNATURE ON REGISTRATION DAY, OR WHOSE ANSWERS ON ELECTION DAY TO THE ADDITIONAL QUESTIONS PUT TO AN ELECTOR UNABLE TO SIGN HIS NAME DO NOT CORRESPOND TO THE ANSWERS ON REGISTRATION DAY. (Sec. 355.)

*Where the right to register was challenged.* When a person applies to vote on the name of a person whose right to register was challenged, it is the duty of the Chairman or of one of the other Inspectors to administer to him the preliminary oath, which is as follows: (Sec. 361.)

"You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." (Sec. 362.)

The Inspector must then read to him each question upon the copy of the challenge affidavit, which was signed at the time of registration by the person on whose name the applicant desires to vote, and the inspectors and watchers must compare the answers given to such questions with the answers recorded on such copy of the challenge affidavit, and must carefully compare the description of the applicant with the description recorded on the copy of the challenge affidavit. (Sec. 361.)

IF THERE IS ANY MATERIAL DIFFERENCE BETWEEN THE ANSWERS GIVEN BY THE APPLICANT AND THE ANSWERS RECORDED ON THE CHALLENGE



AFFIDAVIT, OR IN THE DESCRIPTIONS, OR IF THE SIGNATURES OF THE ELECTOR OR THE ANSWERS TO THE QUESTIONS GIVEN BY THE ELECTOR DO NOT CORRESPOND, OR IF THE APPLICANT REFUSES TO ANSWER ANY QUESTION PUT TO HIM, OR REFUSES TO TAKE THE PRELIMINARY OATH, HIS VOTE MUST NOT BE RECEIVED, and the facts about it must be recorded in the challenge record. (Sec. 361.)

*Other cases.* If any other person offering to vote is challenged one of the Inspectors must tender him the above preliminary oath. He must then be questioned in regard to his name and residence, and all the other matters specified in Sec. 362, tending to test his qualifications as a resident of the election district, his citizenship and his right to vote.

ATTENTION IS CALLED to the following provision: "IN ADDITION THE INSPECTORS, OR ONE OF THEM, SHALL ASK THE PERSON CHALLENGED THE SAME QUESTIONS THAT WERE ASKED OF HIM WHEN HE REGISTERED. A challenge made by any elector or by any duly appointed watcher or challenger must be acted upon by the Board of Inspectors, as provided in this section." (Sec. 362.)

IF ANY PERSON REFUSES TO TAKE THE PRELIMINARY OATH WHEN TENDERED, OR REFUSES TO ANSWER FULLY THE QUESTIONS PUT TO HIM, HIS VOTE MUST NOT BE RECEIVED. (Sec. 362.)

*If, after receiving the answers,* the Board determines that the applicant is not entitled to vote, they must point out to him in what respect he appears to be deficient. (Sec. 362.)

*In cases where the applicant was not challenged at registration.* If the applicant persists in his claim to vote, and the challenge is not withdrawn, one of the Inspectors must administer to him the general oath, which is the first oath in Sec. 363, being as follows:

"You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election."

*If he is challenged for causes stated in Article II, Section 2, of the Constitution (such as bribery, etc.),* the second oath in Sec. 363 must also be administered to him.

*If he is challenged on the ground of having been convicted of bribery or an infamous crime,* the third oath in Sec. 363 must also be administered to him.

IF HE REFUSES TO TAKE THE OATHS HIS VOTE MUST BE REJECTED, BUT IF HE TAKES THE OATH OF OATHS TENDERED HIS VOTE MUST BE RECEIVED (Sec. 363.)

The foregoing provision cannot be construed to cover cases where the Inspectors know that the person offering to vote is not the person who registered under said name; in such case the vote should not be received, and the would-be voter left to his remedy by mandamus.

IN EVERY CASE WHERE THE WORDS "TO BE CHALLENGED" WERE PLACED OPPOSITE A PERSON'S NAME AT THE TIME OF HIS REGISTRATION, THE GENERAL OATH MUST BE ADMINISTERED TO HIM WHEN HE OFFERS HIS VOTE, AND IF HE REFUSES TO TAKE IT HE MUST NOT BE PERMITTED TO VOTE. (Sec. 173.)

The Inspectors must keep a record in regard to challenges as prescribed by Sec. 364 of the Election Law.

The Poll Clerks must also make a note in the poll book, opposite the name of every person who is challenged and takes one or more of the oaths. (Sec. 355.)

#### VOTING UNOFFICIAL BALLOTS.

If for any reason the official ballots should not be provided as required by law upon the opening of the polls, or if the supply of official ballots should become exhausted, unofficial ballots, printed or written, and made as nearly as practicable in the form of the official ballot, may be used. (Sec. 360.)

#### MISCONDUCT OF ELECTION OFFICERS.

Every election officer who wilfully neglects or refuses to discharge his duties is liable, in addition to the other penalties prescribed by law, to a fine of \$100. (Election Law, Sec. 310.)

ELECTION OFFICERS ARE CAUTIONED NOT TO SIGN ANY STATEMENT OF CANVASS BEFORE THE COMPLETION OF THE CANVASS. VIOLATION OF THIS PROHIBITION IS A FELONY. (Sec. 366.)

### CANVASS OF THE VOTE; NO ADJOURNMENT.

As soon as the polls are closed *the inspectors* must publicly canvass the votes, and they must not adjourn or postpone the canvass until it is fully completed.

THE CANVASS MUST BE MADE IN PLAIN VIEW OF THE PUBLIC, and the main entrance to the room must not be closed so as to prevent people from entering or passing out. (Sec. 366.)

Watchers, not exceeding two for each political party, who must deliver to one of the inspectors their certificates of appointment. (Sec. 352.) Candidates are allowed within the guard-rail during the count. (Sec. 351.)

### COMPARISON OF BOOKS.

The *poll clerks and inspectors* on the close of the polls must compare the poll books with the registers and correct any mistakes found therein. (Sec. 355, and Sec. 367.)

### SPOILED BALLOTS TO BE DESTROYED.

The *ballot clerks* immediately on the closing of the polls must take the spoiled and mutilated ballots (this means ballots exchanged by voters) from the box containing them, and, after comparing the number thereof with the record kept of the same, must destroy them, and they must fill out and sign a statement, or return, of ballots on the blank provided for that purpose. (Sec. 354.) See Form p. 17.

### UNUSED BALLOTS TO BE RETURNED.

*Ballot clerks* must enclose all unused ballots and all detached stubs in a sealed package and deliver them to the chairman of the Board of Inspectors. (Sec. 354.)

### BALLOTS MUST BE COUNTED WITHOUT BEING UNFOLDED.

The ballots found in the ballot boxes must be counted *without being unfolded* (except so far as to ascertain that each ballot is single), and the number of ballots found in each box must be compared with the number shown by the poll books and the ballot clerks' statement as having been deposited therein.

IF THE NUMBER OF BALLOTS FOUND IN A BOX IS GREATER THAN THE NUMBER OF BALLOTS SHOWN BY THE POLL BOOKS AND BALLOT CLERKS' STATEMENT, as having been deposited therein, all the ballots must be replaced in the box without being unfolded, and must be thoroughly mixed, and one of the inspectors chosen by the board must, without looking at them, and with his back to the box, publicly draw out as many ballots as shall be equal to the excess, and without unfolding them immediately destroy them. (Sec. 367.)

### BALLOTS IN WRONG BOX

This year there are three ballot boxes; one for Presidential electors, one for state officers, and one for constitutional amendments.

If a ballot is found in the wrong box it is to be counted as though deposited in the right one, provided the total number of ballots of that description found in all boxes does not exceed the number shown to have been cast.

### BALLOTS FOLDED TOGETHER.

If two or more ballots are found in the box so folded together as to present the appearance of a single ballot they must be destroyed *if the whole number of ballots in the box exceeds the number shown by the poll books and the ballot clerks' statement as having been deposited therein and not otherwise.* (Sec. 367.)

### METHOD OF COUNTING.

The *chairman* only may unfold the ballots. (Sec. 369.) *If requested by a watcher, inspectors must fully exhibit a ballot, but shall not allow it to be handled.* (Sec. 370.)

### STRAIGHT BALLOTS AND SPLITS MUST BE SEPARATED.

The straight ballots must first be separated from the split ballots and be counted, and the number of straight party votes for each candidate must be entered in figures opposite his name on each tally sheet by the *poll clerk*, keeping the same. Presidential ballots must be counted first. (Sec. 369.)

## SPLITS, HOW COUNTED.

The *chairman* must then take the split ballots one by one and announce the vote for each candidate on each of them, and the *poll clerks* must make a tally of the same. As the votes on each split ballot are counted the ballot must be passed to the other *inspectors* for verification. (Sec. 369.)

## STATEMENTS AND TALLY SHEETS.

The *poll clerks* shall then add together all the votes for each candidate, and the ballots wholly blank and void together with the ballots on which no votes were counted for any candidate for such office and shall enter the sum thereof in the proper column on the tally sheet. (Sec. 369, Sec. 355.) (See Form p. 18 hereof.)

Note that the total number of ballots entered opposite each office in the column headed "Total number of ballots accounted for" must exactly equal the number of ballots voted as shown by the ballot clerks' return. If it does not, there has been a mistake in the count, and the ballots must be recounted for that office. (Sec. 336.)

THE TALLY SHEET IS THE MOST IMPORTANT RECORD OF THE COUNT, AND WATCHERS SHOULD INSIST THAT IT BE KEPT WITH THE GREATEST CARE AND ACCURACY.

In case a person is voted for whose name is not printed on the ticket, the poll clerks must enter his name and the votes cast for him on the tally sheets. (Sec. 336.)

As soon as the count is finished for each office the poll clerks must submit the result to the inspectors for examination, and, if it is found correct, the chairman must at once announce the result (Sec. 369.)

## RULES FOR COUNTING.

Election Law, Sec. 368.

*NOTE.—Rules 10 and 11, added by Laws of 1911, were swept away by the decision of the Court of Appeals as to the form of ballot.*

## STRAIGHT BALLOTS—MARK IN CIRCLE.

If there is a voting mark (x) in circle above one ticket only, and no voting mark appears on the other tickets, and no name is written in the blank column, the ballot must be counted for all the

candidates on the ticket so marked. This is a straight ballot. (Sec. 368, Rule 1.)

*Extra Mark in Voting Space.*—If there is a voting mark in the circle above one ticket only, and there is also a voting mark in any voting space before the name of a candidate on the same ticket only, the ballot must be counted for all the candidates on that ticket. THIS IS ALSO A STRAIGHT BALLOT. (Sec. 368, Rule 2. It must not be rejected because it has the extra x mark in the voting space on the same ticket, as this is mere surplusage.

## SPLIT BALLOTS—MARK IN CIRCLE.

If there is a voting mark in the circle above one ticket only and there is also a voting mark in any voting space before the name of a candidate on another ticket (or a name written in the blank column), the ballot must be counted for the candidate or candidates so individually voted for and for all the candidates for other offices on the ticket marked in the circle. (Sec. 368, Rule 3.)

## MARKS IN TWO CIRCLES.

If there is a voting mark in more than one of the circles at the head of the tickets, and if on either of such tickets there shall be a candidate for office for which no candidate is named on such other ticket or tickets so marked in the circle, the vote shall be counted for such candidate. (Sec. 368, Rule 6.)

If the same candidate for the same office is named on the different tickets marked in the circle, the vote shall be counted for such candidate. (156 N. Y. 39.)

It has also been held that where a voting mark was made in the circle at the head of a ticket and also in the circle at the head of a ticket containing a single name the ballot should be counted for the candidate named on the single name ticket and for the candidates named for all other offices on the other ticket marked. (Matter of Jerome Ballots, 48 Misc. 441.)

## INDIVIDUAL MARKS.

If there is no voting mark in any of the circles above the tickets, the ballot must be counted for those candidates in the voting spaces before whose names there is a voting mark. (Sec. 358, Rule 2.) But when the names of two different persons running for the

same office are both marked, the ballot must not be counted for that particular office.

#### JUSTICES OF THE SUPREME COURT, HOW COUNTED.

Where a voter splits his vote on judicial candidates, Rules 4 and 5 of Sec. 368 apply, which may be summarized as follows:

Rule No. 4. When there is a voting mark in the circle and also a voting mark before the names of one or more justices on another ticket, the vote shall be counted for all the candidates on the ticket having the voting mark in the circle, except for those justices whose names are upon the same line with the justices on the other ticket before whose names voting marks have been made, unless the voter has marked more than one justice on the same line, in which case the vote shall be counted only for the justices marked. This rule is subject to the exception stated in the following rule:

Rule No. 5. When there is a voting mark in the circle of one ticket and the voter has made a voting mark in the space before the name of more than one justice on the same line on any other ticket, then a vote can be counted only for the justices before whose names voting marks have been placed. As to all candidates other than justices the vote is cast for the candidates under the marked circle.

*Subject to the foregoing rules*, if more names are marked than there are persons to be elected to a given office, or if for any other reason it is impossible to determine the voter's choice for a given office, the ballot must not be counted for *that particular office*, but must be returned as a blank vote as to such office. (Sec. 368, Rule 7.)

#### VOID BALLOTS.

The amendment to Rule 9, to wit: "No ballot shall be declared void because a cross mark thereon is irregular in character," makes no change in the law as heretofore construed by the courts.

The following ballots are void *and must not be counted for any candidate thereon*:

1. Those on which there is any mark other than a cross mark X, made with a black lead pencil, in the circles or in the voting spaces to the left of the candidates' names.

*The cross mark is thus defined: "Any straight line crossing any other straight line at any angle within a party circle, or within a voting space shall be deemed a valid voting mark."* (Sec. 358, Rule 7.)

2. Those on which anything is written except the names of

persons *not printed on the ballot*, for whom the voter desires to vote, which names must be written in the proper places in the blank column with a black lead pencil.

3. Those which have been defaced or torn by the voter.
4. Those upon which there is any erasure.
5. Those in which a separate piece of paper or other material has been enclosed by the voter.

(Election Law, 368, Rule 9.)

The following are examples of ballots which are void:

- a. Ballots having X marks outside of the circle or voting squares.
  - b. Ballots having an X mark before the words "no nominations," or in a square having no name to the right.
  - c. Ballots having single lines | in circle or voting squares, instead of X marks.
  - d. Ballots having criss-cross jumble of lines in circle or voting squares, or lines stricken through name.
  - e. Ballots showing erasures either made with rubber or fingers. Mere soil marks do not invalidate the ballot.
  - f. Ballots marked in blue pencil or ink, or having written matter thereon, other than names of candidates in proper places in the blank column.
  - g. Ballots on which the voter has written the name of a candidate already printed on the ballot.
  - h. Ballots punctured by sharp instrument or defaced by the voter. (This does not mean the puncture made by the file used by the inspectors.)
  - i. Ballots having two X marks in a voting square.
  - j. Ballots in which the voter has enclosed a separate piece of paper or other material.
- N. B. The distinction should be noted between the "voting square" and the "name space." If any mark is made in the name space the ballot is void.

*On the back of every ballot the inspectors should endorse, over their signatures, the words "Void and not counted," and also the reason for the rejection of such ballot, and place same in the envelope for void and protested ballots.* (Sec. 373.) (See Form, p. 20.)

# BALLOTS MARKED FOR THE PURPOSE OF IDENTIFICATION.

If any one of the election officers or any authorized watcher shall during the canvass declare his belief that any particular ballot which is not void has been written upon or marked for the purpose of identification, the inspectors must write on the back of it "Protested as marked for identification," and they must specify over their signatures on the back of it the mark or marking to which objection is made. But the votes on each such ballot must be counted by them just as if it had not been objected to.

If any watcher requests it, the inspectors must during the canvass exhibit any ballot to such watcher fully opened and in such condition that he may fully and carefully read and examine it, but no inspector must allow the ballot to be taken from his hand. (Sec. 370.)

Particular care should be taken to see that every ballot about which there is any doubt shall be protested and placed in the envelope provided for protested ballots.

## NOTE PARTICULARLY THE FOLLOWING DIRECTIONS.

Ballots spoiled or mutilated in printing or by voter are destroyed. (Sec. 354.) Ballot clerks should be careful to make proper entries with reference thereto.

Void ballot are those ballots which have been voted but cannot be counted for any candidate for one of the reasons described on page 7. These ballots must be endorsed as directed and put in the envelope for void and protested ballots.

Protested ballots are those about which a question has been raised but which were counted. Do not put these back in the box. Put them in the void and protested envelope.

All other ballots are replaced in the ballot box.

Be sure to protest every ballot which is doubtful. Unless a ballot is protested it goes back into the box and cannot be re-examined. The boxes once locked remain so.

## STATEMENT OF CANVASS, ETC.

As soon as the canvass is completed the inspectors must make and sign an original statement of canvass upon the form furnished them. Watchers should see to it that every blank in these forms is properly and accurately filled in.

It is a crime for an inspector to sign a return before the count is completed and the figures taken from the tally sheet are written in it. Watchers should insist that no return be signed until the return is complete in all respects.

All general ballots protested as marked for identification should be endorsed by the inspectors "Protested as marked for identification and counted," and the marking to which objection is made specified, and the signatures of the inspectors subscribed. These ballots must be counted for the candidates voted for thereon.

Every void ballot must be endorsed on the back with the reason for its rejection.

All the void ballots and all the ballots protested as marked for identification must be secured in a sealed package provided for void and protested ballots, which must be endorsed on the outside with the names of the inspectors and the number of the election district, and the number and kinds of ballots which are inside. This package must be filed by the chairman with the original statement of canvass. (Sec. 373.)

If unofficial ballots have been voted, they must all be also put into said package.

The inspectors are required to sign a certificate at the end of each return contained in the original statement of canvass, and at the bottom of each sheet or half-sheet thereof.

If any election officer refuses to sign any return required of him by the Election Law, he must state thereon over his signature the reasons for such refusal.

The Inspectors must also make two certified copies of the original certified statement of canvass. (Election Law, Sec. 373.)

The inspectors must also fill out three statements as to assisted and challenged voters on the forms furnished them, one to be attached to the original return and the others to the copies. (Sec. 339, see also Sec. 364.)

The original ballot clerks' return must be attached to the original statement of canvass and a copy thereof to each copy of the statement of canvass. (Sec. 354.)

As soon as the original statement of canvass and the certified copies thereof have been completed, the chairman must make public oral proclamation of the whole number of votes cast for all candidates; likewise as to questions submitted and proposed constitutional amendments. (Sec. 375.)

The original statement of canvass and the certified copies

thereof must then be securely sealed with sealing wax in an envelope properly endorsed on the outside by the inspectors. (Election Law, Sec. 376.)

The ballots voted, *except the void and protested ballots*, must then be replaced in the box from which they were taken, together with a statement of the number of ballots so replaced. Each box must be securely locked and sealed, and must be deposited with the Board of Elections. (Election Law, Sec. 374.)

#### FILING STATEMENTS, ETC.

The original statement of canvass, the sealed package of void and protested ballots, one of the poll books and one of the tally sheets properly certified by the poll clerks must be filed by the chairman with the County Clerk within twenty-four hours after the canvass is completed.

One certified copy of the original statement, one poll book and one tally sheet must be filed within the same time with the Board of Elections by one of the inspectors designated by the Board for that purpose. The other certified copy of the original statement must within the same time be filed with the City Clerk by one of the inspectors likewise designated by the Board.

The sealed packages of detached stubs and ballots not used must be given by the inspectors to the police. (Election Law, Sec. 378.)

The chairman must also deliver to the police officer on duty at the polling place a statement signed by the Board of Inspectors showing the number of votes received by each candidate for office. (Election Law, Sec. 372.)

Within twenty-four hours after the canvass is closed the registers must be filed with the Board of Elections. (Election Law, Sec. 180.)

The duplicate book of challenge affidavits must also be filed with the Board of Elections. (Election Law, Sec. 171.)

#### MISCONDUCT OF ELECTION OFFICERS AND OTHERS. STATEMENTS MUST NOT BE SIGNED IN BLANK.

*Any election officer who shall sign any original statement of canvass or certified copies thereof at any other place than the polling place, or at any other time than immediately after the canvass is completed, and any election officer or person who shall take from the scribed by the Election Law, is guilty of a felony, the punishment for*

*polling place any such statement before it has been signed as pre-which is imprisonment for not less than two nor more than five years. (Election Law, Sec. 366.)*

*Any person who places upon any ballot taken from the ballot box any mark, or who tears or defaces any such ballot with the intent of causing it to be rejected as void, is guilty of a felony, the punishment for which is imprisonment for not less than five nor more than ten years. (Election Law, Sec. 371.)*

*Any inspector or poll clerk who intentionally makes, or attempts to make, a false canvass of the ballots cast at an election or any false statement of the result of a canvass, or any person who induces or attempts to induce him so to do, is guilty of a felony. (Penal Law, Sec. 766.)*

# A STRAIGHT BALLOT FOR THE PROGRESSIVE CANDIDATES

Rule I. Section 368



## DEMOCRATIC PARTY.

For Governor, WILLIAM SULZER.
For Lieutenant Governor, MARTIN H. GLYNN.
For Secretary of State, MITCHELL MAY.
REST OF STATE TICKET
For Associate Justices, Court of Appeals, WILLIAM H. CUDEBACK.
JOHN W. HOGAN
For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.
EDWARD G. WHITAKER.
For Member of Congress, JOHN DOE.
For Senator, .....Senate District, JOHN BROWN.
For Member of Assembly, .....Assembly District, WILLIAM BLACK.



## National Progressive Party

For Governor, OSCAR S. STRAUS.
For Lieutenant-Governor, FREDERICK M. DAVENPORT.
For Secretary of State, HOMER D. CALL.
REST OF STATE TICKET
For Associate Justices of the Court of Appeals, CARLOS C. ALDEN.
GEORGE W. KIRCHWEY.
For Justices of the Supreme Court for the First Judicial District, JAMES J. FITZGERALD.
HECTOR M. HITCHINGS.
For Member of Congress, RICHARD ROE.
For Senator, .....Senate District, RICHARD WHITE.
For Member of Assembly, .....Assembly District, JOSEPH GREEN.

To be counted for all the Bull Moose Candidates.

# A STRAIGHT DEMOCRATIC BALLOT

Rule 2—Section 368



## DEMOCRATIC PARTY.

X	For Governor, WILLIAM SULZER.
	For Lieutenant Governor, MARTIN H. GLYNN.
	For Secretary of State, MITCHELL MAY.
	REST OF STATE TICKET
	For Associate Justices, Court of Appeals, WILLIAM H. CUDEBACK
	JOHN W. HOGAN.
	For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY
	EDWARD G. WHITAKER.
	For Member of Congress, JOHN DOE.
	For Senator, .....Senate District, JOHN BROWN.
X	For Member of Assembly, .....Assembly District, WILLIAM BLACK.



## National Progressive Party

	For Governor, OSCAR S. STRAUS.
	For Lieutenant-Governor, FREDERICK M. DAVENPORT.
	For Secretary of State, HOMER D. CALL.
	REST OF STATE TICKET
	For Associate Justices of the Court of Appeals, CARLOS C. ALDEN.
	GEORGE W. KIRCHWEY.
	For Justices of the Supreme Court for the First Judicial District, JAMES J. FITZGERALD.
	HECTOR M. HITCHINGS.
	For Member of Congress, RICHARD ROE.
	For Senator, .....Senate District, RICHARD WHITE.
	For Member of Assembly, .....Assembly District, JOSEPH GREEN.

To be counted for all the Democratic Candidates. The extra marks are mere surplusage.

## A SPLIT BALLOT

Rule 3—Section 368



### DEMOCRATIC PARTY.

For Governor, WILLIAM SULZER.	
For Lieutenant Governor, MARTIN H. GLYNN.	
For Secretary of State, MITCHELL MAY.	
REST OF STATE TICKET	
For Associate Justices, Court of Appeals, WILLIAM H. CUDDEBACK.	
JOHN W. HOGAN.	
For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.	X
EDWARD G. WHITAKER	X
For Member of Congress, JOHN DOE.	X
For Senator, .....Senate District, JOHN BROWN.	
For Member of Assembly, .....Assembly District, WILLIAM BLACK	



### National Progressive Party

For Governor, OSCAR S. STRAUS.	
For Lieutant-Governor, FREDERICK M. DAVENPORT.	
For Secretary of State, HOMER D. CALL.	
REST OF STATE TICKET	
For Associate Justices of the Court of Appeals, CARLOS C. ALDEN.	
GEORGE W. KIRCHWEY.	
For Justices of the Supreme Court for the First Judicial District, JAMES J. FITZGERALD.	X
HECTOR M. HITCHINGS.	X
For Member of Congress, RICHARD ROE.	X
For Senator, .....Senate District, RICHARD WHITE.	
For Member of Assembly, .....Assembly District, JOSEPH GREEN.	

To be counted for all the Democratic Candidates, save Donnelly, Whitaker and Doe, and counted for Fitzgerald, Hitchings and Roe.

## JUDICIARY SPLITS

Rule 4 and 7—Sec. 368.



### DEMOCRATIC PARTY.

For Governor, WILLIAM SULZER.	
For Lieutenant Governor, MARTIN H. GLYNN.	
For Secretary of State, MITCHELL MAY.	
REST OF STATE TICKET	
For Associate Justices, Court of Appeals, WILLIAM H. CUDDEBACK.	
JOHN W. HOGAN.	X
For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.	X
EDWARD G. WHITAKER.	
For Member of Congress, JOHN DOE.	X
For Senator, .....Senate District, JOHN BROWN.	
For Member of Assembly, .....Assembly District, WILLIAM BLACK.	



### REPUBLICAN PARTY.

For Governor, JOB E. HEDGES.	
For Lieutenant Governor, JAMES W. WADSWORTH, JR.	
For Secretary of State, FRANCIS M. HUGO.	
REST OF STATE TICKET	
For Associate Justice of the Court of Appeals, FRANK H. HISCOCK.	
EMORY A. CHASE.	X
For Justice of the Supreme Court for the First Judicial District, BENJAMIN W. B. BROWN.	X
ABRAHAM S. GILBERT.	
For Member of Congress, RICHARD ROE.	X
For Senator, .....Senate District, RICHARD WHITE.	
For Member of Assembly, .....Assembly District, JOSEPH GREEN.	

This is a vote for every candidate on the Republican Ticket except Hiscock and the Congressman. It is a vote for Hogan, but a blank ballot for the office of Congressman.



## JUDICIARY SPLITS

Where intent of voter cannot be ascertained

Rule 5—Section 368



### DEMOCRATIC PARTY.

	For Governor, WILLIAM SULZER.
	For Lieutenant Governor, MARTIN H. GLYNN.
	For Secretary of State, MITCHELL MAY.
	REST OF STATE TICKET
	For Associate Justices, Court of Appeals, WILLIAM H. CUDDEBACK.
X	JOHN W. HOGAN.
	For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.
	EDWARD G. WHITAKER.
	For Member of Congress, JOHN DOE.
	For Senator, .....Senate District, JOHN BROWN.
	For Member of Assembly, .....Assembly District, WILLIAM BLACK

This is a vote for all the Candidates upon the Republican ticket except Court of Appeals Justices. Hogan alone is counted, and the other Judicial position is counted as blank.



### REPUBLICAN PARTY.

	For Governor, JOB E. HEDGES.
	For Lieutenant Governor, JAMES W. WADSWORTH, JR.
	For Secretary of State, FRANCIS M. HUGO.
	REST OF STATE TICKET
	For Associate Justice of the Court of Appeals, FRANK H. HISCOCK.
	EMORY A. CHASE.
	For Justice of the Supreme Court for the First Judicial District, BENJAMIN W. B. BROWN.
	ABRAHAM S. GILBERT.
	For Member of Congress, RICHARD ROE.
	For Senator, .....Senate District, RICHARD WHITE.
	For Member of Assembly, .....Assembly District, JOSEPH GREEN.

## MARKS IN TWO CIRCLES

Rule 6—Section 368



### Independence League Party

	For Governor, OSCAR S. STRAUS.
	For Lieutenant-Governor, MARTIN H. GLYNN.
	For Secretary of State, HOMER D. CALL.
	REST OF STATE TICKET
	For Associate Justices, Court of Appeals, WILLIAM H. CUDDEBACK.
	GEORGE W. KIRCHWEY.
	For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.
	ABRAHAM S. GILBERT.
	For Member of Congress, JOHN DOE.
	For Senator, .....Senate District, JOHN BROWN.
	For Member of Assembly, .....Assembly District, NO NOMINATION.



### National Progressive Party

	For Governor, OSCAR S. STRAUS.
	For Lieutenant-Governor, FREDERICK M. DAVENPORT.
	For Secretary of State, HOMER D. CALL.
	REST OF STATE TICKET
	For Associate Justices of the Court of Appeals, CARLOS C. ALDEN.
	GEORGE W. KIRCHWEY.
	For Justices of the Supreme Court for the First Judicial District, JAMES J. FITZGERALD.
	HECTOR M. HITCHINGS.
	For Member of Congress, RICHARD ROE.
	For Senator, .....Senate District, RICHARD WHITE.
	For Member of Assembly, .....Assembly District, JOSEPH GREEN.

This is a vote for all candidates common to both ballots, i.e., Oscar S. Straus, Homer D. Call, George W. Kirchwey, and others. It is a vote for Joseph Green as Assemblyman. The other candidates cancel each other.

### Rule 9—Section 368



**X REPUBLICAN PARTY.**

	For Governor, WILLIAM SULZER.		For Governor, JOB E. HEDGES.
	For Lieutenant Governor, MARTIN H. GLYNN.		For Lieutenant Governor, JAMES W. WADSWORTH, JR.
	For Secretary of State, MITCHELL MAY.	X	For Secretary of State, FRANCIS M. HUGO.
	REST OF STATE TICKET		REST OF STATE TICKET
	For Associate Justices, Court of Appeals, WILLIAM H. CUDEBACK.		For Associate Justice of the Court of Appeals, FRANK H. HISCOCK.
X	JOHN W. HOGAN.		EMORY A. CHASE.
	For Justices of the Supreme Court, First Judicial District, THOMAS F. DONNELLY.		For Justice of the Supreme Court for the First Judicial District, BENJAMIN W. B. BROWN.
	EDWARD G. WHITAKER.		ABRAHAM S. GILBERT.
	For Member of Congress, JOHN DOE.	X	For Member of Congress, RICHARD ROE.
X	For Senator, .....Senate District, JOHN BROWN.		For Senator, .....Senate District, RICHARD WHITE.
	For Member of Assembly, .....Assembly District, WILLIAM BLACK.		For Member of Assembly, .....Assembly District, JOSEPH GREEN.

**All the above marks render a ballot void and not to be counted. A mark beside the name of the President or Vice-President on the Electors ballot is void.**

# ELECTORAL BALLOT

[illegible]

BLANK COLUMN.	INDEPENDENT NOMINATIONS.	DEMOCRATIC LEAGUE PARTY.	DEMOCRATIC PARTY.	INDEPENDENCE LEAGUE PARTY.	PROGRESSIVE PARTY.	REPUBLICAN PARTY.	REPUBLICAN PARTY.
For Governor Oscar S. Straus							
For Lieut. Governor Fred' M. Davenport							
For Secretary of State Homer D. Call							
For Comptroller Herstle C. King							
For State Treasurer Ernest Caworth							
For Attorney-General John Palmeri							
For State Engineer and Surveyor Ora M. Leland							
For Associate Judges of the Court of Appeals Carlos C. Allen							
For Members of Congress George W. Kirchwey							
For Senator							
For Member of Assembly							

# STATE BALLOT

County \_\_\_\_\_ Town \_\_\_\_\_ E. D. \_\_\_\_\_

## CERTIFICATE OF INDEPENDENCE LEAGUE AND PROGRESSIVE VOTE

INDEPENDENCE LEAGUE TICKET	PROGRESSIVE TICKET
1	1
2	2
3	3
4	4
OSCAR S. STRAUS HOMER D. CALL JOHN PALMIERI ORA M. LELAND GEORGE W. KIRCHWEY	OSCAR S. STRAUS HOMER D. CALL JOHN PALMIERI ORA M. LELAND GEORGE W. KIRCHWEY

Watches' Signature \_\_\_\_\_ Address \_\_\_\_\_  
 Watches' Signature \_\_\_\_\_ Address \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_  
 Upon this \_\_\_\_\_ day of November, 1912, personally appeared before me \_\_\_\_\_  
 and \_\_\_\_\_ to me known and known to me to be the persons named in and who signed  
 this affidavit and who being severally duly sworn did say that the above is a true and correct statement of the vote cast for the above  
 named offices on the Progressive and Independence League tickets in the district above noted in the election held November 5, 1912.

Notary Public \_\_\_\_\_  
 Commissioner of Deeds \_\_\_\_\_

MAIL AND EXPRESS JOB PRINT  
Stoddard-Sutherland Press  
9-15 Murray St., N. Y.



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**END OF  
TITLE**